

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

Fred S. Silverman  
Judge

New Castle County Courthouse  
500 North King Street, Suite 10400  
Wilmington, DE 19801-3733  
Telephone (302) 255-0668

August 25, 2011

Philip Morgan, Warden IV  
Department of Correction  
Howard R. Young Correctional Institution  
1301 E. 12<sup>th</sup> Street  
Wilmington, DE 19809

Re: *State v. Richard Wiggins*  
SBI # 0034  
ID No. 1008018341

**Upon DOC's Unopposed Application for Emergency Sentence Reduction –  
GRANTED**

Dear Warden Morgan:

The State has agreed with your emergency application to reduce Inmate Wiggins's mandatory, Level 5 supervision to Level 3, in light of his sudden, major illness. Although your application has not been submitted to the Board of Parole, as contemplated by 11Del.C. § 4217(d), it meets the "serious medical illness or infirmity" provision in 11 *Del. C.* § 4217(c), on its face. There appears to be no reason for the Board to disapprove.

Accordingly, in the interest of time, to spare unnecessary expense, and with the State's endorsement, the court will act on your direct application. In the unlikely event that Inmate Wiggins's health is restored, the State may seek to vacate the modified sentence that will issue through a separate, ASOP order.

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Further, by copy of this letter to the Department of Correction's counsel, the court suggests promulgation of reasonable regulations concerning the form of an application in an extreme case, such as this one, consistent with 11 Del. C. § 4217 (d) (1). The court is acting summarily out of compassion here, but there should be a procedure for emergency applications in the future.

Very truly yours,

/s/ Fred S. Silverman

cc: Prothonotary – Criminal Division  
Stephen McDonald, Deputy Attorney General  
Aaron R. Goldstein, Deputy Attorney General  
Joseph Hurley, Esquire